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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,814

01/16/2004

Scott McCallum

63428-077

6581

26096 7590 02/08/2007
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EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,814

Applicant(s)

MCCALLUM, SCOTT

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7,9-12 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8 and 13-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I Figs 1-3 in the reply filed on December 15, 2006 is acknowledged. Claims 4, 5, 7, 9-12, and 17-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Drawings

2. The drawings were received on May 3, 2004. These drawings are approved.

Specification

3. The disclosure is objected to because of the following informalities: On page 8 line 1, "44" should be --34--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 3, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said rotatable member " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 3 and 8 recites the limitation "said second actuator" in lines 1 and 2, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 6, 8, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Salvagnini (US 4,843,862).

Salvagnini discloses a rotary cam assembly comprising: a rotary cam (9) movable between a bending and a released position; a first actuator (10) for moving said rotary cam between said bending position and said released position; a failsafe device (22) for ensuring proper position of said rotary cam, said failsafe element comprising a rotatable element (17) supported between first and second arms (14), and an actuator applying force directly to said rotatable element for moving said rotary cam to a desired position (see Fig 1).

Re claim 2, said actuator comprises a cam surface (23) engageable with said rotatable element.

Re claim 3, said actuator comprises a hydraulic cylinder (see Fig 1).

Re claim 6, said rotatable element comprises a roller supported on a shaft (19), said shaft supported at distal ends by said first and second arms (14).

Re claim 8, said rotatable element comprises a block (see Fig 1) with a heel surface (see Fig 1) for engaging said second actuator.

Re claim 13, a rotary cam (9) movable between bending and released positions; a first actuator (10) for moving said rotary cam between bending and engaged positions; and a second actuator (20) biasing said rotary cam toward said engaged position for ensuring said rotary cam moves to said engaged position regardless of a condition of said first actuator.

Re claim 14, first and second arms (unnumbered arms attached at 9) attached for rotation with said cam (9), and a rotatable element (17) supported between said first and second arms.

Re claim 15, said second actuator (20) applies a biasing force directly to said rotatable element (see Fig 1).

Re claim 16, a pivot pin (19) supporting said rotatable element between said actuator and said first and second arms (see Fig 1).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,356,716	Aschauer	(cam)
7,114,360	Ikeda	(cam)
6,470,727	Kunze	(cam)
6,263,717	Nojiri	(cam)
4,411,148	Aschauer et al	(cam)
JP-2004/322167	Aramaki	(cam)

Art Unit: 3682

JP-2006/116558 Kinoshita (cam)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V. Johnson 2-567

Vicky A. Johnson
Primary Examiner
Art Unit 3682

REPLACEMENT SHEET

Serial No. 10/758,814

Filed 01/16/2004

1/5



*Approved
1/24/07
my*

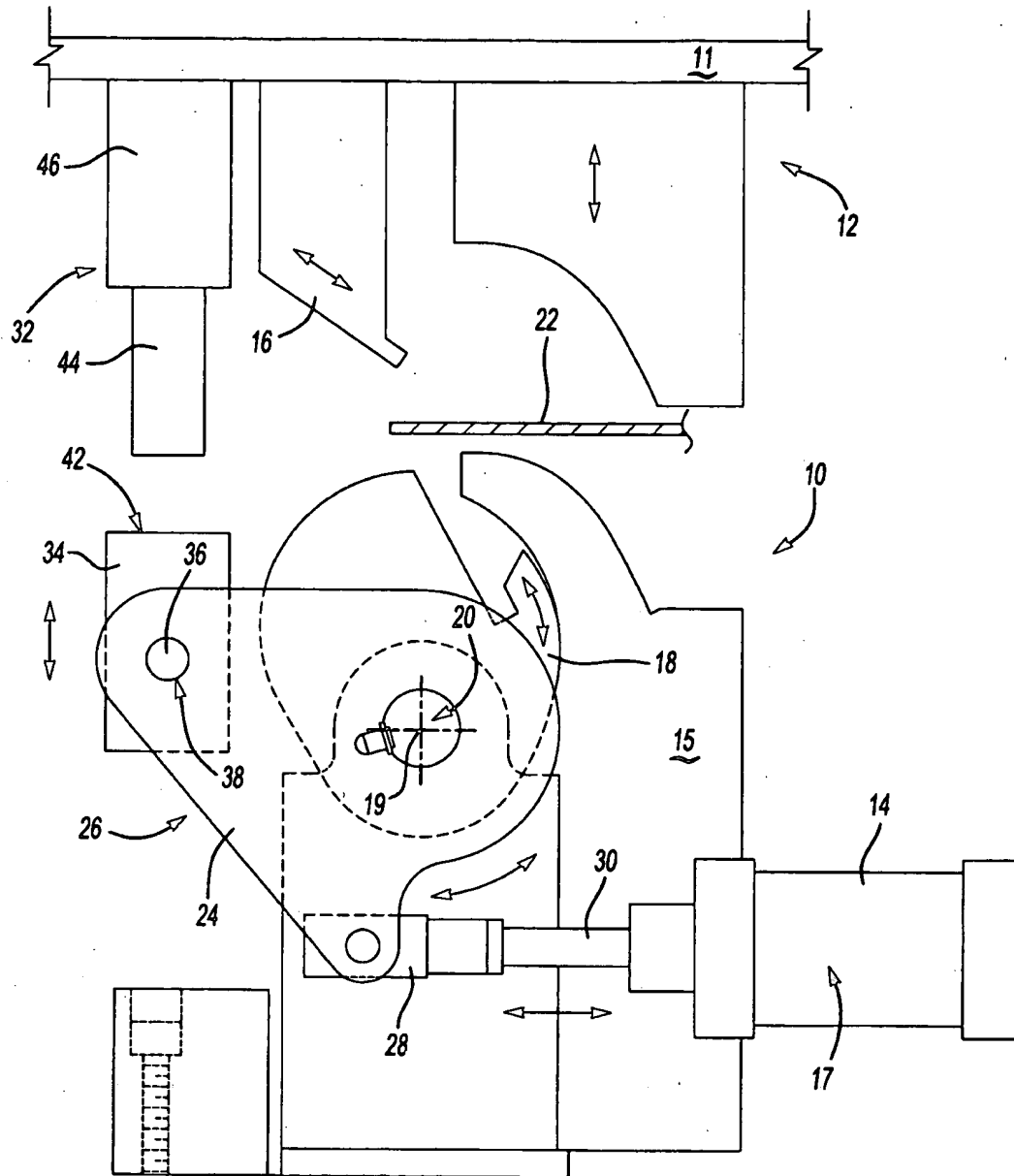


Fig-1